

REMARKS

The Examiner's finding that claims 8 and 9 would be allowable if amended to independent form including the limitations of the base claim and any intervening claims is noted with appreciation. Claim 8 has been so amended with claim 9 remaining dependent on claim 8.

The Examiner has rejected claims 1-4 and 6 as anticipated by Yang et al. (US6839452). Filed herewith is a declaration under 37 C.F.R. 1.131 by Mark Alan Massie, an inventor of the referenced application, swearing behind the Yang et al. reference. As recited therein, the present invention as claimed was initially conceived and reduced to practice as of April of 1999, prior to the priority date of Yang et al of November 23, 1999.

As stated in Mr. Massie's declaration, each of the elements of claims 1, 2, 3 and 6 are disclosed in the White Paper. The applicants therefore respectfully contend that those claims are allowable over Yang et al. Additionally, the applicants respectfully contend that claim 4 as depending from claim 1 provides method steps in combination which without the benefit of Yang et al as a reference are patentable over the remaining prior art.

Similarly, the Examiner has rejected claim 5 as obvious over Yang et al in view of Kuno et al. (US5243218) and claim 7 as obvious over Yang et al in view of Karellas et al (US 2003/0169847). The applicants respectfully suggest that claims 5 and 7 are patentable in view of its dependence from claim 1 as a combination of method steps which without the benefit of Yang et al as a reference are patentable over the remaining prior art. Further, the priority date of Karellas et al of November 21, 2001 also antedates the invention by the applicants of the methods claimed in the application as demonstrated in the declaration by Mr. Massie and therefore Karellas et al does not support a valid designation as prior art.

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The applicants believe that all claims now pending in the application are in condition for allowance and action by the Examiner in that regard is requested.

Respectfully submitted,

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